

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(Eastern Division)

COMMONWEALTH CARE
ALLIANCE, HEALTH CARE FOR
ALL, GLENN CRENSHAW, AND
PAULA CRENSHAW, individually
and on behalf of persons similarly
situated,

Plaintiffs

v.

ASTRAZENECA
PHARMACEUTICALS L.P.,
ASTRAZENECA PLC,
ASTRAZENECA US, ZENECA, INC.,
AND ZENECA HOLDINGS, INC.,

Defendants.

No. 05 CV 10-335-DPW

PLAINTIFFS' MOTION TO REMAND

Plaintiffs move this Court to remand this case to the Superior Court of Middlesex County, Massachusetts. As grounds in support of this motion, the Plaintiffs state as follows:

1. This action was originally commenced on January 25, 2005 in the Superior Court of the Commonwealth of Massachusetts (Suffolk).
2. The Defendants filed a Notice of Removal to this Court on or about February 18, 2005. The Defendants' Notice of Removal cites as its grounds for removal jurisdiction the alleged existence of diversity jurisdiction and supplemental jurisdiction pursuant to 28 U.S.C. §§ 1332 and 1367.

3. This action does not implicate this Court's diversity jurisdiction under 28 U.S.C. § 1332 not § 1367. Although there appears to be complete diversity between the Plaintiffs and the Defendant, this matter does not involve the required amount in controversy. While the total damages to the Plaintiff class are likely in the many millions of dollars, the damages suffered by each individual Plaintiff in no case exceeds \$75,000.00, and damages cannot be aggregated to achieve the requested jurisdictional amount.

This Motion is supported by the Memorandum of Law in Support of Plaintiffs' Motion to Remand, submitted herewith.

WHEREFORE, the Plaintiffs respectfully request that this Court remand this action to the Superior Court of the Commonwealth of Massachusetts (Suffolk).

Respectfully submitted,

COMMONWEALTH CARE ALLIANCE,
HEALTH CARE FOR ALL, GLENN
CRENSHAW, PAULA CRENSHAW,
By their attorneys,




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Dated: March 18, 2005

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

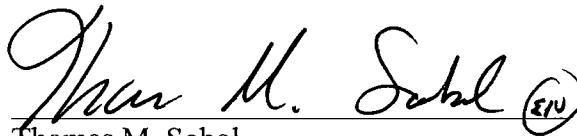
I, Thomas M. Sobol, counsel for Plaintiffs, hereby certify that before filing this Plaintiffs' Motion to Remand, I complied with the provisions of Local Rule 7.1(A)(2) by conferring with opposing counsel, Joshua S. Levy, and attempted in good faith to resolve or narrow the issues presented in this Motion.


Thomas M. Sobol

CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that on March 18, 2005, I served a copy of the foregoing pleading on counsel to all parties to this proceeding by placing a copy of the same in the United States mail, properly addressed and first class postage prepaid.

Harvey J. Wolkoff
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Peter L. Welsh
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Thomas M. Sobol